

Planning Commission Communication

Department: Community Development Case No. ZC-16-001 Applicant/Property Owner: B&B Real Estate Investments, LLC 2427 South Avenue Council Bluffs, IA 51503 Represented by: James Kaiser Heartland Properties 535 West Broadway, Suite 100 Council Bluffs, IA 51503	Ordinance No. _____	Planning Commission: 01/12/16
--	---------------------	-------------------------------

Subject

Request: Public hearing on the request of B&B Real Estate Investments, LLC, represented by Jim Kaiser of Heartland Properties, to amend Ordinance No. 6016, approved by City Council on January 12, 2009, in order to rezone property legally described as being the South 908.96 feet of the SE1/4 NW1/4 of Section 18-74-43 lying east of Lateral 5 (except City), City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District.

Location: East of East Manawa Drive and south of tank farm.

Background

The Community Development Department has received an application from B&B Real Estate Investments, LLC requesting to rezone the above described 25 acre parcel from A-2/Parks, Estate and Agricultural District to I-2/General Industrial District (see Attachment 'A'). The purpose of the request is to allow National Concrete Cutting to construct a new 47,136 square foot operations facility and to crush concrete/asphalt on the subject property (see Attachment 'B').

The previous property owner, Michael Collins, requested to rezone the subject property from A-2/Parks, Estate and Agricultural District to I-2/General Industrial District so that it could be used as 'contractor yard' for his trucking business (see Case #ZC-08-014). The Community Development recommended denial of the request due to concerns that land uses allowed in an I-2/General Industrial District would deter development of properties to the south and west. The City Council rezoned the property to an I-1/Light Industrial District by Ordinance No. 6016, January 12, 2009, to become effective following extension of a water main to serve the site and following upgrade of the existing box culvert from an agricultural crossing to a crossing that is appropriate for industrial traffic. The required improvements have not been completed.

Current Zoning & Land Use

The subject property is undeveloped and is presently zoned A-2/Parks, Estates and Agricultural District, with a pending I-1/Light Industrial District classification. The Council Bluffs City Council rezoned the property by Ordinance No. 6016, January 12, 2009, to become effective following extension of a water main to serve the site and following upgrade of the existing box culvert from an agricultural crossing to a crossing that is appropriate for industrial traffic (see Attachment 'C'). The conditions have not been met and the I-1/Light Industrial District classification is not in effect.

Surrounding zoning includes I-2/General Industrial District to the north and west along with A-2/Parks, Estates and Agricultural District to the south and west. Existing land uses include a tank farm (north and east) and undeveloped/agricultural land (south and west). Established residential uses are also located to the south, Eagle Trail Subdivision and to the west surrounding Lake Manawa. With the exception of the tank farm located to the north, there are no other established industrial uses in the immediate surrounding area.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) identifies the subject property along with areas to the north and east as 'Light Industrial'. Properties to the south and west are identified as future 'Medium Density Residential'. The proposed I-2/General Industrial District is not consistent with the 'Light Industrial' land use designation for the subject property. Additionally, the I-2/General Industrial District is incompatible with the 'Medium Density Residential' land use designation.

Exhibit A: Aerial view of the subject property and surrounding area.



The following attachments are included with the case report

Attachment A: Location/zoning map

Attachment B: Proposed office and operations facility plan

Attachment C: Copy of Ordinance No. 6016, adopted by City Council on January 12, 2009.

Comments

All property owners within 200 feet of the request were notified of the proposed rezoning. The following public comment was received:

1. Art Camenzind, 10406 State Street, Omaha, NE 68122, owns agricultural property south and west of the subject property. Mr. Camenzind asked general questions about the proposed rezoning.

All City Departments and local utility companies were notified of the proposed rezoning. The following comments were received:

Council Bluffs Community Development Department:

1. The subject property was zoned for industrial use from the time it was annexed into the City until January, 2003 when the parcel and the areas to the west and north were down-zoned to A-2/Parks, Estates and Agricultural District. One reason for the down-zoning was to cause any proposed development to be reviewed to ensure that appropriate utilities are available to serve the area. Water service does not abut the subject property and must be extended. Sanitary sewer is available. Lateral 5, located on the west edge of the property, provides a means for storm water conveyance.
2. On June 8, 2015, the City Council denied a temporary use permit request by National Concrete Cutting to allow crushing/salvage of asphalt and concrete on the subject property (see Case #TU-15-003).
3. The proposed 47,136 square foot operation facility is classified as a 'contractor shop' and is allowed as a principle use in an I-1/Light Industrial District and I-2/General Industrial District, as per the Council Bluffs Zoning Ordinance. The applicant can apply for a building permit to construct this facility once the I-1/Light Industrial District zoning for the property becomes effective.
4. The proposed asphalt/concrete recycling use is classified as a 'salvage operation', as per the Council Bluffs Zoning Ordinance. Salvage operations are not permitted in an I-1/Light Industrial District; however the use is allowed in an I-2/General Industrial District with a conditional use permit from the Council Bluffs Zoning Board of Adjustment. Through the conditional use process, the Zoning Board of Adjustment could impose certain conditions such as screening, fencing, construction commencement and completion dates, lighting, operational controls, improved traffic circulation, highway access restrictions, yards, parking requirements, the duration of the use or ownership, or any other requirement which the board deems appropriate under the circumstances.
5. The proposed I-2/General Industrial District is inconsistent with the future land use plan designations (Light Industrial & Medium Density Residential) in subject area of the City. I-2/General Industrial District land uses are generally intense in nature. Such uses should be developed in areas of the City that have the supporting infrastructure (e.g., water) and are not within close proximity of established residential neighborhoods and/or properties designated for future residential development. The proposed request, if approved, has the potential to negatively impact the future development of properties to the south and west.

Council Bluffs Public Works Department:

1. Field access must be improved to City standards at the time of development.
2. Field access should grant the City and the property owner to the south the right to access the existing sanitary sewer easement. Said access easement must be recorded as a separate legal instrument.
3. National Concrete Cutting must comply with all MS4 requirements at the time of development regarding the following:
 - a) Stormwater management
 - b) Sediment and erosion control
 - c) Good housekeeping (i.e. debris containment, stockpile containment, etc.)

Council Bluffs Water Works

1. Water utilities are not available along East Manawa Drive.
2. The applicant has requested a water main extension but no agreement been signed with CBWW.

Recommendation

The Community Development Department recommends denial of the request by B&B Real Estate Investments, LLC, represented by Jim Kaiser of Heartland Properties, to amend Ordinance No. 6016, approved by City Council on January 12, 2009, in order to rezone property legally described as being the South 908.96 feet of the SE1/4 NW1/4 of Section 18-74-43 lying east of Lateral 5 (except City), City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District, based on reasons stated above.

Attachment A: Location/zoning map




Attachment B: Proposed office and operations facility plan

Attachment C: Copy of Ordinance No. 6016, adopted by City Council on January 12, 2009.

Prepared By: Christopher N. Gibbons, AICP, Planner

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION ZONING/LOCATION MAP CASE #ZC-16-001

Map Legend

-  Case #ZC-16-001 Subject Property
-  Parcel
-  Address

0 200 400
1 Inch = 400 Feet

2013 Aerial Photograph



Note: Subject property highlighted in red.



Last Amended: 12/15/15



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328-4629

DISCLAIMER
This map is prepared and compiled from various sources. The City of Council Bluffs is not responsible for any errors or omissions. The City of Council Bluffs is not responsible for any damages or losses resulting from the use of this map. The City of Council Bluffs is not responsible for any legal consequences resulting from the use of this map.





Attachment B

This drawing is being made available by hgm associates inc. for use on this project in accordance with the hgm associates inc. agreement for professional services. hgm associates inc. assumes no liability for any use of this drawing or any part thereof except in accordance with the terms of the above agreement.

hgm
ASSOCIATES INC.
640 FIFTH AVENUE COUNCIL BLUFFS, IA
PHONE: 712-323-0530

BLS	drawn	date
BLS	designed	date
SDR	approved	date
DEC. 15	revision	date

project NEW OFFICE AND OPERATIONS FACILITY
EAST MANAWA DRIVE LOCATION
client B-B REAL ESTATE INVESTMENTS
COUNCIL BLUFFS, IOWA
sheet REZONING APPLICATION EXHIBIT

project no.
101410
sheet
EXHIBIT A

1/8
COMPARED

R Fee 25.00

A Fee

T Tax

Pottawattamie County, IA 2009-001250
Recorder John Sciortino
Book-Page: 2009-001250
File Time: 02/03/2009 @ 08:18:42 AM
Rec-\$25.00 Aud-\$0.00 RMA-\$1.00 ECM-\$1.00
Current Transfer Tax Paid: \$0.00



Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 6016

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF A 25-ACRE PARCEL LOCATED EAST OF EAST MANAWA DRIVE AND SOUTH OF THE TANK FARM, FORMERLY KNOWN AS 4725 NAVAJO, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS A-2/ PARKS, ESTATES AND AGRICULTURAL TO I-1/LIGHT INDUSTRIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.05 AND 15.20 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of a 25-acre parcel located east of East Manawa Drive and south of the tank farm, formerly known as 4725 Navajo, and legally described as follows:

The South 908.9 feet of the SE ¼ NW ¼ of Section 18-74-43 lying east of Lateral 5 (except City), Council Bluffs, Pottawattamie County, Iowa,

from its present designation as A-2/Parks, Estates and Agricultural to I-1/Light Industrial, as set

Attachment C

forth and defined in Chapters 15.05 and 15.20 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa, subject to water service being extended to serve the site.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided, and subject to water service being extended to serve the site.

PASSED
AND
APPROVED January 12, 2009



THOMAS P. HANAFAN Mayor

Attest:



JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION:	<u>November 24, 2008</u>
SECOND CONSIDERATION:	<u>December, 8, 2008</u>
PUBLIC HEARING:	<u>December 8, 2008</u>
THIRD CONSIDERATION:	<u>January 12, 2009</u>

Planning Case No. ZC-08-014